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Attorneys for Defendant
GULF INSURANCE COMPANY

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

JAMES A. HARRIS

Plaintiff,

v.

GULF INSURANCE COMPANY

Defendant.

) Case No. C 01 4906 CW

)

) Hon. Claudia Wilken

)

) **STIPULATION AND ~~PROPOSED~~**
) **ORDER TO CONTINUE SCHEDULE**
) **FOR MOTION FOR SUMMARY**
) **JUDGMENT**

)

)

)

)

)

MICHAEL J. STONE,

)

)

Plaintiff/Intervenor.

)

)

This Stipulation is entered into by plaintiff James A. Harris, plaintiff/intervenor Michael J. Stone, and defendant Gulf Insurance Company, by and through their respective counsel of record.

WHEREAS, on July 8, 2005, a case management conference proceeded in this matter before Judge Wilken;

WHEREAS, at the case management conference, Judge Wilken ordered the parties to pursue settlement negotiations aimed at effectuating the disposition of this action, including but not limited to a disposition that would facilitate Gulf's stated intent to appeal Judge Wilken's

1 prior ruling on the interpretation of Gulf's Insured versus Insured Exclusion;

2 WHEREAS, the parties have in good faith engaged in serious settlement discussions
3 since the time of the case management conference such that it now appears possible that a
4 mutually acceptable resolution of this action which will facilitate Gulf's appeal can be arrived at
5 between the parties;

6 WHEREAS, at the case management conference, Judge Wilken also ordered defendant
7 Gulf to file its motion for summary judgment on the Genuine Dispute Doctrine by July 29, 2005,
8 for a hearing date on September 2, 2005;

9 WHEREAS, due to the complexity of the negotiations, the Parties subsequently twice
10 stipulated, and Judge Wilken twice ordered, that the schedule for defendant Gulf's motion for
11 summary judgment be continued two weeks so that the Parties could further negotiate settlement
12 such that the deadline to file the motion was continued first to August 12, 2005 with a hearing
13 date of September 16, 2005, and then the deadline to file the motion continued to August 26,
14 2005 with a hearing date of September 30, 2005; and

15 WHEREAS, the Parties have mutually agreed that they are close to conclusion of their
16 negotiations but require a little more additional time such that the interests of the Parties and
17 judicial economy would be best served by continuing the schedule for Gulf's motion for
18 summary judgment for yet another two weeks in order to allow the Parties to focus their efforts
19 on their attempt to work out a negotiated disposition of the action;

20 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED THAT:

- 21 1. The prior briefing schedule for Gulf's motion for summary judgment is hereby
22 vacated; and

2. Gulf shall file its motion for summary judgment on or before September 9, 2005,
which motion shall be set for hearing on October 14, 2005.

SO STIPULATED:

DATED: August 8, 2005

TUCKER ELLIS & WEST LLP

By: _____/S/_____

Peter J. Koenig

Alec Boyd

Attorneys for Defendant

GULF INSURANCE COMPANY

DATED: August 8, 2005

HELLER EHRMAN WHITE & MCAULIFFE

By: _____/S/_____

Stephen N. Goldberg

Celia M. Jackson

Attorneys for Plaintiff

JAMES A. HARRIS

DATED: August 8, 2005

JEFFER MANGELS BUTLER & MARMARO

By: _____/S/_____

Julia J. Rider

Attorneys for Plaintiff/Intervenor

MICHAEL J. STONE

SO ORDERED:

DATED: August 24, 2005

/s/ CLAUDIA WILKEN

By: _____

Hon. Claudia Wilken

United States District Judge